

City Council testimony on Bill 11

By
Bob Twogood
Feb. 28, 2012

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First I want to congratulate you and thank you for taking the first step in the right direction to solve what has been an ongoing problem at Kailua Beach Park (KBP) for 11 years. That problem has been the illegal vending of water-sports equipment that's been going on since 2001.

To be successful, this bill must work first for the residents of Kailua, second, for the residents of greater Oahu, and third for the business' that are, and have always been trying to operate legally, safely, and in harmony with the community of Kailua.

To accomplish this, Bill 11 will work ONLY if it incorporates three key components that will be critical to its success. Those components are (1) a permit process and system that keeps the number of vendors to a practical level but will still serve the needs of the public, and (2) an enforcement system that will provide a truly effective disincentive to those that violate the permit rules, and (3) effective enforcement and/or creation of laws that will prevent the roadside vending that is currently taking place on the roadside just outside KBP

To accomplish item (1) above, I suggest that the two permit's created by bill 11 for each park be specified as one permit for windsurfing or kite sports, and one permit for paddle sports. Based on the precedent created by the permit system for Hanalei Bay discussed in appendix A to this document (minutes of BLNR meeting of Sept. 9, 2010, Page 40 last para (attached) these permits should be provided first to the business' that were the first ones in operation or permitted for these activities in Kailua Beach Park and/or Kalama Beach Park – Read it into the record

To accomplish item (2) above, enforcement of permit rules must be an ongoing program.

To accomplish item (3) above, first, laws must be passed to create significant escalating penalties for watersports equipment vending on the roadside by Kailua Beach Park, and then, as was done in 2004 sting operations must be used so to provide a strong disincentive to the illegal vendors.

Once these steps are taken, the illegal vending outside of Kailua Beach Park will stop.

Additional major complaint in Kailua: – Traffic at KBP/Lanikai is terrible on busy weekends – understatement

Partial Traffic solution: (A) Cone off the left turn at Kalapawai onto Kailua Road on busy days

Appendix A
To Testimony of Bob Twogood on Bill 11
At Parks Committee meeting of Feb. 28, 2012

**MINUTES FOR THE
MEETING OF THE
BOARD OF LAND AND NATURAL RESOURCES**

DATE: THURSDAY, SEPTEMBER 9, 2010
TIME: 9:00 A.M.
PLACE: KALANIMOKU BUILDING
LAND BOARD CONFERENCE ROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HI 96813

Last para of page 40 tells how the commercial permits for Hanalei Bay were issued because of a 9th Circuit Court of Appeals lawsuit by 3 operators

P40, last para.

Member Agor asked if we are allowing a minimum number of permits like 5 how are you selecting them. Mr. Underwood said it's normally done by wait list. For Hanalei Bay what staff wrote into the rule was there were 3 operators that were part of that 9th Circuit Court of Appeals lawsuit. Those operators that were in business or were permitted in November of 2000 have the first right to those permits and from then on staff would do it by wait list. Member Agor asked not by lottery. Mr. Underwood answered in the negative that it went back and forth and there was a lot of opposition to that (lottery).

Operative sentence by Ed Underwood:

"Those operators that were in business or were permitted in November of 2000 have the first right to those permits and from then on staff would do it by waitlist."

Appendix B
To Testimony of Bob Twogood on Bill 11
At Parks Committee meeting of Feb. 28, 2012

Report to the Hawaii Department of Land and Natural Resources:
Recommended Strategies for Addressing Ocean Recreation User
Conflicts March 1, 2007

by
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P.O. Box 2370
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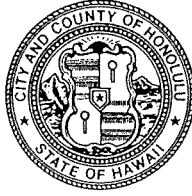
Appendix 3: Kailua Bay(Oahu) Focus site report

Points out:

“In 1993 the County issued a temporary permit to one kayak company for the drop-off of kayaks at Kailua Beach Park. While there is no county law against renting kayaks off-site and dropping them off at the park, this company wanted to obtain a permit for those activities and worked with the County and the Kailua Neighborhood Board over a five year period to do so. The company operated under this temporary permit for over ten years, and during that time other companies also began operating under temporary permits. In 2004 the permits were pulled and have not been reinstated.”

DEPARTMENT OF PARKS AND RECREATION
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 10TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 523-4182 • FAX: (808) 523-4054



JEREMY HARRIS
MAYOR

WILLIAM D. BALFOUR, JR.
DIRECTOR

MICHAEL T. AMII
DEPUTY DIRECTOR

May 5, 1998

Mr. Robert C. Twogood
President
Twogood Kayaks Hawaii
171 Hamakua Drive
Kailua, Hawaii 96734

Dear Mr. Twogood:

This is to inform you that the Department of Parks and Recreation has approved the drop off and pickup of kayaks at Kailua Beach Park as an authorized limited commercial activity. Evaluating the testimonies given at the public hearing and others submitted in writing, we have determined that this activity is basically recreational in nature and consistent with the park and facilities in the park.

Our next step is to promulgate administrative rules and regulations for this activity. This will take some time and require another public hearing. In the interim, we can issue you a monthly temporary permit, providing that you produce proof that you have all the necessary insurance and permission from the State Department of Land and Natural Resources for the water activities.

If you have any further questions, please contact Ronald Nakano, Parks Enforcement and Concessions Officer, at 523-4594.

Sincerely,

A handwritten signature in dark ink, appearing to read "W.D. Balfour Jr.", is written over the typed name.

WILLIAM D. BALFOUR, JR.
Director

WDB:ry